

EXHIBIT 5

Attachment A - Temporary Protected Status (TPS) Legal Authority

Pursuant to section 244(b)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1254a(b)(1), the Secretary of Homeland Security (Secretary), after consultation with appropriate agencies of the Government, may designate a foreign State (or part thereof) for TPS. The Secretary may then grant TPS to eligible nationals of that foreign State (or aliens having no nationality who last habitually resided in that State). INA § 244(b)(1); 8 U.S.C. § 1254a(b)(1) sets forth three possible bases for making a TPS designation:

- On-going armed conflict in the foreign state that poses a serious threat to the personal safety of the state's nationals if they were required to return;
- Environmental disaster (including an epidemic) where the foreign state is unable to handle adequately the return of its nationals *and* the foreign state has officially requested TPS designation; or
- Other extraordinary and temporary conditions in the foreign state that prevent its nationals from returning in safety, unless the Secretary finds that permitting the aliens to remain temporarily in the United States is contrary to the U.S. national interest.

At least 60 days before the expiration of a TPS designation, the Secretary, after consultation with appropriate agencies of the Government, must review the conditions in a foreign State designated for TPS to determine whether the conditions for the TPS designation continue to be met and, if so, the length of an extension of the TPS designation. *See* INA § 244(b)(3)(A); 8 U.S.C. § 1254a(b)(3)(A)-(C). If the Secretary determines that the foreign State no longer meets the conditions for the TPS designation, she must terminate the designation. *See* INA § 244(b)(3)(B); 8 U.S.C. § 1254a(b)(3)(B). Although the Secretary must make her determination on extension or termination at least 60 days before the expiration of the TPS designation, publication of the required *Federal Register* notice announcing her decision must be “on a timely basis.” *See* INA § 244(b)(3)(A). There is also an automatic, minimum six-month extension of a country's TPS designation if the Secretary does not make a decision under INA § 244(b)(3)(A); 8 U.S.C. § 1254a(b)(3)(A) that the foreign state no longer meets the conditions for designation. *See* INA § 244(b)(3)(C); 8 U.S.C. § 1254a(b)(3)(C).

After the Secretary designates a country for TPS, nationals of the country (and persons without nationality who last habitually resided in the country) may apply for TPS, but they must individually demonstrate their eligibility pursuant to the criteria established in INA § 244(c), 8 U.S.C. § 1254a(c) and the TPS regulations at 8 C.F.R. § 244.1 *et seq.* These criteria include, but are not limited to, requirements that the applicant show continuous physical presence in the United States since the effective date of the country designation and continuous residence since such date as the Secretary determines; admissibility as an immigrant (with limited exceptions); that the applicant is not ineligible under certain mandatory criminal history, terrorism, and national security bars as specified in INA § 244(c)(2)(A-B); and that the applicant is registering for TPS in accordance with regulatory procedures in 8 C.F.R. §§ 244.2 – 244.9.

If granted TPS, the individual receives employment authorization and an Employment Authorization Document, if requested, that is valid for the period that he or she holds TPS. TPS is a temporary benefit that does not, by itself, provide aliens with a basis for seeking lawful permanent resident status or any other immigration status. However, receipt of TPS benefits will not bar an otherwise eligible individual from adjusting to lawful permanent resident (LPR) status or acquiring another lawful immigration status. When a TPS country designation ends, TPS beneficiaries maintain the same immigration status, if any, that they held prior to TPS (unless that status has expired or been terminated) or any other status they may have acquired while registered for TPS.